



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/295,864	04/21/1999	ADAM M. FELDSTEIN	MCS-003-98	7677

27662 7590 08/07/2003
LYON & HARR, LLP
300 ESPLANADE DRIVE, SUITE 800
OXNARD, CA 93036

EXAMINER

CHAMPAGNE, DONALD

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 08/07/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/295,864

Applicant(s)

FELDSTEIN ET AL.

Examiner

Donald L. Champagne

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed with amendment D on 29 April 2003 have been fully considered but they are not persuasive. Many of the arguments have been addressed in the last Office action. The new arguments and the amendment have been addressed by revision of para. 5-6 below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-9, 12-22, 25-28, 30 and 32 are rejected under 35 USC 103(a) as obvious over Bull et al. in view of Gifford.
4. Bull et al. teaches (independent claims 1, 12 and 25) a computer-implemented method for displaying personalized information on a client system, a display device for rendering said information thereon, and a computer-readable medium containing the method, the method comprising: collecting data associated with a user ((col. 3 lines 36-37); processing the data to create unique user profiles (col. 31 lines 37-42); tracking at least a portion of the data and providing the user with a variety of search options (col. 3 line 63 to col. 4 line 6), which reads on performing estimation calculations to generate results and updated personal information using the client; and automatically communicating the results and the personalized and updated information to the user via the client (col. 3 lines 55-57). Bull et al. also teaches (independent claim 32) categorizing at least a portion of the query (the user's activity) as trackable data (col. 3 lines 34-35).
5. Bull et al. does not teach adjusting the results dynamically on the client. Gifford teaches adjusting the results dynamically on the client (col. 10 lines 35-48). Gifford teaches that this permits the user's most frequent requests to be answered from the local terminal (client, col. 10 lines 39-41). Because this would be understood by one of ordinary skill in the art to

Art Unit: 3622

eliminate delays in communicating with the server, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Gifford to those of Bull et al.

6. Neither Bull et al. nor Gifford teach adjusting the results dynamically on the client by a user's interaction with the results. However, Gifford does teach that a user can compile, and therefore update, a list of queries (col. 10 lines 41-43). It is obvious for a user to update the list of queries in response to finding deficiencies in the results, which reads on interacting with the results. Hence, in view Gifford, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to adjust the results dynamically on the client by a user's interaction with the results.
7. Bull et al. also teaches: (claims 2 and 13) an interactive computer environment (col. 4 line 15); (claims 3, 4, 16, 17 and 26) with communication over the WWW in HTML (col. 3 lines 58 and 52); (claims 5, 6, 14, 15, 18, 19 and 27) providing interactive graphical control interface options (col. 3 line 61 and col. 4 line 15); (claims 7 and 20) user characteristics including the user profiles (col. 4 lines 20-23); (claims 8 and 21) transmission of results by personalized e-mail (col. 4 line 12); (claims 9, 22 and 28) allowing real-time interaction with the information (col. 4 line 15); and (claim 30) using the classification profile to demographically and statistically perform target marketing (col. 14 lines 19-25).
8. Claims 10, 11, 23, 24 and 29 are rejected under 35 USC 103(a) as obvious over the references cited above and further in view of Wong.
9. Neither Bull et al. nor Gifford teaches calculating projected automobile repair costs. Wong teaches calculating projected automobile costs. Because the combination would be very helpful to user's negotiating damage settlements with their auto insurance companies, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to combine the teachings of Wong with those of Bull et al. and Gifford.
10. None of the references teach computing projected prices of automobiles. Official Notice is taken (MPEP § 2144.03) that this limitation is common, and has obvious value to automobile buyers. The NADA blue book has been available on disc or CD for many years, and the Consumers Union has also offered an on-line auto price service for many years. It would therefore have been obvious to one of ordinary skill in the art, at the time of the invention, to add this limitation.

Art Unit: 3622

11. Claim 31 is rejected under 35 USC 103(a) as obvious over the references cited in para. 2 above and further in view of Chapin, Jr.
12. Neither Bull et al. nor Gifford teaches using automobile mileage to estimate maintenance schedules. Chapin, Jr. teaches (col. 2 lines 49-52) using automobile mileage to estimate maintenance schedules. Because Bull et al. and Gifford teach features that would enhance the simple system of Chapin, Jr., it would have been obvious to one of ordinary skill in the art, at the time of the invention, to add the teachings of Bull et al. and Gifford to those of Chapin, Jr. These enhanced features include a global reach for data over the Internet while still maintaining the advantages of local processing.

Conclusion

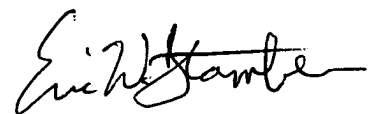
13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L Champagne whose telephone number is 703-308-3331. The examiner can normally be reached from 6:30 AM to 5 PM ET, Monday to Thursday. The examiner can also be contacted by e-mail at donald.champagne@uspto.gov, and *informal* fax communications (i.e., communications not to be made of record) may be sent directly to the examiner at 703-746-5536.
16. The examiner's supervisor, Eric Stamber, can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-

Art Unit: 3622

9326 for regular official communications and 703-872-9327 for After Final official communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

17. **AFTER FINAL PRACTICE** – Consistent with MPEP § 706.07(f) and 713.09, prosecution generally ends with the final rejection. Examiner will grant an interview after final only when applicant presents compelling evidence that “disposal or clarification for appeal may be accomplished with only nominal further consideration” (MPEP § 713.09). The burden is on applicant to demonstrate this requirement, preferably in no more than 25 words. Amendments are entered after final only when the amendments will clearly simplify issues, or put the case into condition for allowance, clearly and without additional search or more than nominal consideration.
18. Applicant may have after final arguments considered and amendments entered by filing an RCE as appropriate. It is the examiner’s practice to search the specification of RCE filings for allowable matter. However, unless indicated in this or a previous Office action, examiner cannot give assurances that filing an RCE will result in an indication of allowable matter. In this particular case, since applicant has once filed an RCE and examiner has once searched the specification for allowable matter, the prospects are not good that another RCE could be successful.
19. **ABANDONMENT** – If examiner cannot by telephone verify applicant’s intent to continue prosecution, the application is subject to abandonment six months after mailing of the last Office action. The agent, attorney or applicant point of contact is responsible for assuring that the Office has their telephone number. Agents and attorneys may verify their registration information including telephone number at the Office’s web site, www.uspto.gov. At the top of the home page, click on Site Index. Then click on Agent & Attorney Roster in the alphabetic list, and search for your registration by your name or number.

DLC
31 July 2003



ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600